

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner P. Philogene

Art Unit 3732

Assistant Commissioner for Patents
Box PATENT APPLICATION
 Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/939,759, filed on August 28, 2001, which claims the benefit of 60/229,303, filed September 1, 2000.

of Stuart WEIKEL; Nisra THONGPREDA; Mike LEHMICKE; Douglas KEPHART; and Larry BINDER

(inventor(s) currently of record in prior application)

for TOOLS AND METHODS FOR CREATING CAVITIES IN BONE

(title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	24	- 20	2	\$18.00 each	\$ 72.00
Independent	2	- 3		\$86.00 each	\$ 0.00
Minimum Fee					\$ 770.00
Multiple Dependency Fee					
If Applicable (\$280.00)					\$ 0.00
Total					\$ 842.00
Applicant qualifies for the 50% Reduction for Independent					
Inventor, Nonprofit Organization or Small Business Concern					\$ 0.00
Total Filing Fee					\$ 842.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☐ Amend the specification by inserting before the first line the following sentence: This is a continuation, division, of application no. , filed .
- 4a. ☒ New formal drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .

6. ☒ The prior application is assigned of record to Synthes (U.S.A.), recorded on October 18, 2001 at Reel 012268, Frame 0844.
- 7a. ☒ A copy of the Power of Attorney filed in the prior application no. 09/939,759, filed August 28, 2001 is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☒ Information Disclosure Statement and Form PTO-1449.

Respectfully submitted,

Date October 22, 2003

Arthur M. Antonelli
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 Arthur M. Antonelli
 For Brian M. Rothery
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Reg. No. 51,410
 Reg. No. 35,340

Enclosures